

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed April 27, 2005. At the time of the Final Office Action, Claims 1-11, 16, 19-26 were pending in this Application. Claims 1-11 were rejected, and Claims 16 and 19-26 were objected to. Claims 12-15 and 17-18 were previously cancelled without prejudice or disclaimer. Claim 1 and 2 have been amended to further define various features of Applicant's invention. Applicant has added new Claims 27 and 28. Applicant respectfully requests reconsideration, including consideration of new Claims 27 and 28, and favorable action in this case.

Claim Objections

Pursuant to a telephone conversation between Examiner Pang and Tracy Perez on May 19, 2005, no further action is necessary on Applicant's part to respond to Examiner's rejection. The objection is noting that Applicant's method of amending claims should be consistent.

Rejections under 35 U.S.C. §103

Claims 1-3, 5 and 10-11

Claims 1-3, 5, and 10-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication 2002/0088304 filed by Michael D. Thorum ("Thorum") in view of U.S. Patent 6,160,708 issued to Josef Loibl et al. ("Loibl"). Applicant respectfully traverses and submits the now claimed invention is patentably distinct over these references.

In order to make obvious Applicant's claimed invention, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Independent Claim 1 recites a hydraulic motor vehicle gearbox that comprises, among other elements, "a plastic hydraulic distribution plate having channels therethrough for the distribution of hydraulic fluid to cool circuit electronics of an electronic control unit housed on said plate, said plate having electric conductors embedded therein." Similarly,

Independent Claim 10 recites a method that includes, among other steps, “providing a plastic hydraulic distribution plate with channels therein for the distribution of hydraulic fluid, said plate adapted to receive an electronic control unit whereby an electronic circuit of said unit is cooled by the distribution of fluid through said plate channels ...”

Examiner concedes that Thorum lacks any teaching of a distribution plate being constructed of plastic. However, Examiner cites to Loibl as teaching “a hydraulic distribution plate 30 that is constructed of plastic.” See page 3. Applicant traverses and submits that Loibl teaches only a plastic frame 11 which runs around the edge of a metallic base plate. See Figures 1 and 3, Col. 2, lines 26-27 and Col. 3, lines 55-64. The plastic frame 11 of Loible clearly does not act to distribute fluids and thus Loibl fails to disclose, teach or suggest a distribution plate as argued by Examiner. Accordingly, Applicant submits that the cited reference cannot render obvious Independent Claims 1 and 10, and Claims 2, 3, 5 and 11 which depend therefrom. For at least these reasons, Applicant requests reconsideration, withdrawal of the §103 rejections and full allowance of Independent Claims 1 and 10 and Claims 2, 3, 5 and 11 which depend therefrom.

Claims 4, 6, 7, 8 and 9

Claims 4, 6, 7 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thorum in view of Loibl as applied to Claim 1 above, and further in view of U.S. Patent 6,164,160 issued to Roy S. Nassar (“Nassar”). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Thorum in view of Loibl, in further view of Nassar as applied to Claim 4 above, and further in view of Clamp. Applicant respectfully traverses and submits that Claims 4 and 6-9 depend from Independent Claim 1 which, as discussed above, is in condition for allowance. Additionally, Applicant submits that the combination of Nassar and/or Clamp with Thorum and Loibl, as discussed above, fails to render obvious Independent Claim 1 because such combination fails to disclose, teach or suggest each and every claimed limitation of Independent Claim 1. Applicants request reconsideration, withdrawal of the §103 rejections, and full allowance of Claims 4 and 6-9.

Allowable Subject Matter

Claims 16 and 19-26 are allowed. Applicants appreciate Examiner’s consideration of Claims 16 and 19-26.

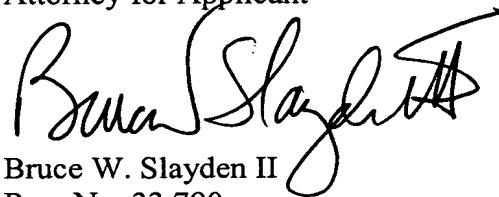
CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of the claims as amended.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2606.

Respectfully submitted,
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